

James H. Parker, M.D.

2430 Cedar Drive — La Marque, Texas 77568 — Phone 935-2477 and 935-5384

September 21, 1978

Lee Mathews, Hearings Examiner
Texas Department of Water Resources
P. O. Box 13087 Capital Station
Austin, Texas 78711

Re: Request of E. H. Thornton, Jr.
regarding Oct. 4, hearing

Dear Mr. Mathews:

I object to any rescheduling of the October 4, 1978 public hearing on amendments to permit #01221, Mc Ginnes Industiral Maintenance Corporation, and for the following reasons; but not by way of limitation:

I.

V. C. Mc Ginnes is not entitled to such an exclusive public privilege, as stated in Article I, Section 3 (Equal Rights) of the Constitution of the State of Texas.

II.

The presence of an attorney for the permittee is not obligatory, but optional, for the parties.

III.

Mr. Thornton has additional members in his law firm.

IV.

A public hearing, by its very title, is in and for the public; the public has the right to know, and Mr. Mc Ginnes has, as holder of a public permit, an obligation to be

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present and to answer any and all questions relative to this ten year old dumpsite. The input, and control by numerous Federal and State of Texas entities further places a proceeding of this nature clearly into the public realm. To deny the public full access to the permit applicant would be illegal.

V.

Your office has indicated that additional hearings, from time to time, may be held. I concur in this concept and at this point request additional hearings because of timeliness. Perhaps Mr. Thornton could arrange to be present at a later hearing.

VI.

The request of Mr. Thornton may be appropriate in the realm of setting times for depositions or trials, but a public hearing is neither of these. Furthermore the request ignores my schedule and the schedule of certain other parties, including the hearing examiner. To give recognition to such a request could cripple the whole process of public participation in public hearings, and would place the applicant in a privileged position.

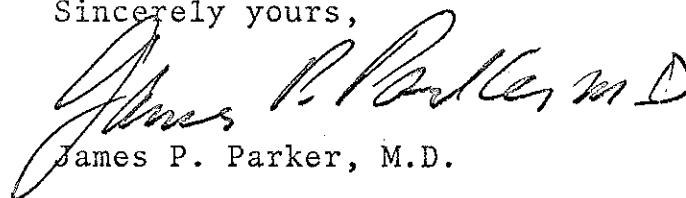
The request of Mr. Thornton appears to be contrary to the accepted and customary rule of right and duty between man and man, or the obligation that an attorney owes the public in general, and as stated in the Rules Governing the State Bar of Texas, Title 14-Appendix, and more specifically Article XII, Section 8, captioned Code of Professional Responsibility.

Lee Mathews
September 21, 1978

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Therefore, I request that you ignore the request of
Mr. Thornton and proceed with the public hearing as scheduled.

Sincerely yours,

A handwritten signature in cursive script, reading "James P. Parker, M.D.", written in dark ink. The signature is fluid and stylized, with the letters "J", "P", and "M" being particularly prominent and large. The signature is positioned above the printed name "James P. Parker, M.D.".

James P. Parker, M.D.

JPP/emb

cc: V. C. Mc Ginnes
Dick Whittington, TDWR
Pete Dunsavage, EPA,
Col. John Van den Bosch, COE
Roy Scuddy, GCWDA